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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,648	10/30/2001	Donald X. Smith II	10016657-1	4451

7590 10/15/2003

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EXAMINER

DO, AN H

ART UNIT PAPER NUMBER

2853

DATE MAILED: 10/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/001,648

Applicant(s)

SMITH, DONALD X.

Examiner

An H. Do

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The Amendment filed on 21 July 2003 has been acknowledged.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 2 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the step of "if the print content is not assigned the priority level, printing the print content using a normal print mode."

However, claim 2 further recites "each section of the print content is assigned a priority level." Obviously, claim 2 is contradictory to claim 1. Furthermore, claim 4 recites the step of "printing a second section of print content that comprises a high level of priority by printing the second section in the normal mode." Again, claim 4 is contradicting claim 1 for the reason is that the high level of priority section is printed in the normal mode while the print content which is NOT assigned the priority level is printed in this mode. Therefore, applicant needs to further define the claim language somehow to make each of these claims relating to each other.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-9, 11-17 and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwarz, Jr. (US 6,476,927 B1) in view of Mantell (US 6,189,993 B1).

Schwarz, Jr. discloses in Figures 1, 8 and 9 a method for rationing ink in a printer (20), the printer (20) having an ink supply (not shown) for printing content on print media, a printing device, a controller (15) for controlling the printing device,

the method comprising the steps of: receiving a print job (17) comprising print content; parsing (column 4, lines 54-55) the print content prior to printing; sending the content to the printer(20); coupling the printer (20) to a computer (12, 14); parsing (column 4, lines 54-55) is performed by the computer (12, 14);

Schwarz, Jr. discloses the claimed invention except for reciting the print content is assigned different levels of priority and different print modes are associated with the priority levels; a low priority level is in grayscale and a high level of priority is in the normal print mode.

Mantell teaches in Figures 4 and 5 that the print content is assigned different levels of priority (Figure 4) and different print modes (92) are associated with the priority levels (Figure 4); a low priority level is in grayscale (94) and a high level of priority is in the normal print mode (96).

It would have been further obvious to one having ordinary skill in the art at the time the invention was made to have the print content assigned different levels of priority and different print modes are associated with the priority levels; a low priority

level is in grayscale and a high level of priority is in the normal print mode, as taught by Mantell, for the purpose of printing images having different grayscales.

5. Claims 10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwarz, Jr. (US 6,476,927 B1) in view of Mantell (US 6,189,993 B1) as applied to claims 1-9, 11-17 and 19-23 above, and further in view of Grune et al (US 6,209,995 B1).

Schwarz, Jr. discloses the claimed invention except for reciting the ink supply comprises a laser printer toner supply.

Grune et al teaches the ink supply comprises a laser printer toner supply (column 1, lines 15-18).

It would have been further obvious to one having ordinary skill in the art at the time the invention was made to include the a laser printer toner supply, as taught by Grune et al, for the purpose of forming a thermosetting image as noted in column 1 lines 15-16 of Grune et al.

Response to Arguments

6. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to An H. Do whose telephone number is 703-308-0525. The examiner can normally be reached on Monday-Friday.

Art Unit: 2853

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on 703-308-4896. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



AD
September 29, 2003



Stephen D. Meier
Primary Examiner